

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
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4 Lori Osborne,  
5 Plaintiff

2:15-cv-02479-JAD-PAL

6 v.  
7 The City of Henderson Police Department, et  
8 al.,  
9 Defendants

**Order Denying Motions to Dismiss as Moot  
in Light of Amended Complaint**

[ECF 5, 9]

10 This civil-rights action arises from the 2013 death of Roy Osborne in the Henderson  
11 Detention Center. Defendants Corizon Correctional Healthcare and the City of Henderson Police  
12 Department responded to the complaint with motions to dismiss,<sup>1</sup> which are set for hearing on  
13 April 18, 2016.<sup>2</sup> Plaintiff then filed an amended complaint,<sup>3</sup> and the same defendants filed new  
14 motions to dismiss the amended complaint.<sup>4</sup>

15 “It is well-established in our circuit that an ‘amended complaint supersedes the original’”  
16 and moots any motion to dismiss claims in the original complaint.<sup>5</sup> Because plaintiff’s amended  
17 complaint mooted Corizon’s and the HPD’s original motions to dismiss, I deny both of them  
18 [ECF 5, 9] as moot and without prejudice.

19 Accordingly, IT IS HEREBY ORDERED that Defendant Corizon Correctional  
20 Healthcare’s Motion to Dismiss [ECF 5] and the City of Henderson Police Department’s Motion  
21 to Dismiss [ECF 9] are **DENIED** as moot and without prejudice. **I will hear the**  
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24 <sup>1</sup> ECF 5, 9.

25 <sup>2</sup> ECF 13.

26 <sup>3</sup> ECF 20.

27 <sup>4</sup> ECF 21, 22.

28 <sup>5</sup> *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (internal citation omitted)).

1 **new motions to dismiss [ECF 21, 22] at the scheduled April 18, 2016, hearing.**

2 Dated this 1st day of March, 2016

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5 Jennifer A. Dorsey  
6 United States District Judge  
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